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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 DWIGHT BENSON,

9 Plaintiff,

10 v.

11 PIERCE COUNTY JAIL, et al.,

12 Defendants.

Case No. C08-5407BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

13 This matter comes before the Court on the Report and Recommendation of the  
14 Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 5). The Court having  
15 considered the Report and Recommendation, Plaintiff's failure to file objections, and the  
16 remaining record, does hereby find and order:

- 17 (1) The Court adopts the Report and Recommendation; and  
18 (2) This action is **DISMISSED** because Plaintiff has failed to either pay the \$350  
19 filing fee or file a proper application to proceed in forma pauperis.

20 DATED this 14<sup>th</sup> day of October, 2008.

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24 BENJAMIN H. SETTLE  
25 United States District Judge  
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ORDER